

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

Dated: 06.02.2007

..... PETITIONER

...RESPONDENT

— — — — —

The case of the petitioner is that he was transferred and posted as Inspector of Police, Eluru Town circle and he took charge on 18.01.1992. On 02.07.1997 the respondent-Additional Assistant Sessions Judge, West Godavari, Eluru issued a show cause notice to the petitioner and one C.Venkata Raju, the then Inspector of Police, Eluru, directing them to produce the letters submitted by one Adhikari Ranga Rao in S.C.No.427 of 1995 on or before 10.07.1997, failing which action will be taken under Section 319 Cr.P.C. In pursuance of the said show cause notice, the petitioner submitted his explanation on 8.7.1997 to the effect that the then Inspector of Police, C.Venkata Raju, has seized the letters said to have been written by the

deceased to her relative by name Adhikari Ranga Rao during the course of investigation and that the petitioner is not at all responsible for the loss of the letters for the reason that he took charge of the post after more than one year of the incident and, therefore, further action may be dropped against him. Not satisfying with the explanation submitted by the petitioner, the respondent issued a notice on 11.07.1997 to the petitioner directing him to appear before the Court on 28.07.1997 to give explanation for missing of the letters. Since the petitioner failed to produce the letters before the Court, the respondent again issued a notice to the petitioner to show cause as to why he should not be punished under Section 306 I.P.C. read with Section 201 I.P.C. by invoking Section 319 Cr.P.C.

Heard both sides.

Instead of choosing to submit the explanation to the show cause notices in question and instead of attending before the Court below as directed, the petitioner resorted to file the present petition. Therefore, in my considered opinion, the approach of the petitioner at this stage of the proceedings, is itself a premature one.

However, in the above facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it appropriate to direct the petitioner to comply with the notices in question by way of submitting his explanation and attending before the respondent within a period of four weeks from the date of receipt of a copy of this order.

Subject to the above observation, this Writ Petition is disposed of. No costs.

(GOPALA KRISHNA TAMADA, J)

06-02-2007
Gsn.